

TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE



FISCAL MEMORANDUM

HB 321 – SB 434

March 3, 2015

SUMMARY OF ORIGINAL BILL: Permits expunction of records if someone is charged with a misdemeanor or felony and convicted of a lesser included offense or of an offense related to the same criminal conduct but that offense was a moving or nonmoving traffic offense.

FISCAL IMPACT OF ORIGINAL BILL:

NOT SIGNIFICANT

SUMMARY OF AMENDMENT (003762): Deletes all language after the enacting clause. Permits expunction of records if someone is charged with a misdemeanor or felony and convicted of a lesser included offense or of an offense related to the same criminal conduct but that offense was a moving or nonmoving traffic offense.

Permits a person to receive partial expunction for any public records relating to the person's arrest, indictment, charging instrument, or disposition for any charge of which that the person is not convicted.

FISCAL IMPACT OF BILL WITH PROPOSED AMENDMENT:

Unchanged from the original fiscal note.

Assumptions for the bill as amended:

- Under current law, a person charged with a misdemeanor or felony that is not convicted of the offense, but is convicted of an offense relating to the same criminal conduct or of a lesser included offense, is not an eligible petitioner for purposes of expunction.
- The bill would allow expunction if the person was convicted of a moving or nonmoving traffic offense, and would allow expunction of certain records relative to charges of which the person was not convicted.
- The bill will not significantly increase petitions for expunction. Any increase in fees collected by the court clerks will be minimal.
- The Tennessee Bureau of Investigation confirms that the bill will not significantly impact their operations.

CERTIFICATION:

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The information contained herein is true and correct to the best of my knowledge.

A handwritten signature in dark ink, reading "Jeffrey L. Spalding". The signature is written in a cursive style with a large, stylized "J" and "S".

Jeffrey L. Spalding, Executive Director

/trm